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16 Attorneys for Plaintiff
17 United States of America

18 UNITED STATES DISTRICT COURT

19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 IN RE GRAND JURY SUBPOENA TO) CR MISC. No. CR 06-90355-JSW
21)
22 THE SAN FRANCISCO CHRONICLE) [PROPOSED] ORDER OF CONTEMPT,
23) SANCTIONS AND STAY OF SANCTIONS
24) PENDING APPEAL
25)
26)
27)
28)

29 WHEREAS, the San Francisco Chronicle ("Chronicle") having
30 knowingly and voluntarily refused to comply with the Court's
31 September 25, 2006 order to have its Custodian of Records appear
32 before the grand jury and provide certain information called for
33 by the government's subpoena, and the government and the
34 Chronicle having stipulated to an order of contempt and sanctions

35 THE COURT FINDS, pursuant to 28 U.S.C. § 1826(a), there is
36 no just cause for the Chronicle's refusal to testify and finds
37 the Chronicle in contempt of the Court's September 25, 2006

1 order, thus

2 IT IS HEREBY ORDERED that the Chronicle pay to the Clerk of
3 the Court for the Northern District of California a fine of
4 \$1000-per-day until the expiration of the grand jury's term,
5 including extensions, or for a period of 18 months, whichever is
6 shorter, or until such time as the Chronicle has purged itself of
7 contempt through compliance with the Court's September 25, 2006
8 order, or until further order of this Court or an appellate Court
9 of competent jurisdiction, whichever is sooner,

10 IT IS FURTHER ORDERED that the above sanction is stayed
11 until a panel of the United States Court of Appeals for the Ninth
12 Circuit has issued an opinion, memorandum, or order resolving the
13 Chronicle's appeal of the Court's September 25, 2006 order
14 denying its motion to quash the grand jury subpoena served on it
15 by the government.

16 DATED: This 20 day of October, 2006.

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HON. JEFFREY S. WHITE
United States District Judge

21 Presented by:

22 _____ /s/
23 DOUGLAS M. MILLER
24 Assistant United States Attorney
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